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BEFORE THE

Federal Communications Commission

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of)
)
Amendment of Parts 15 and 90)
of the Commission's Rules to)
Provide Additional Frequencies)
for Cordless Telephones)

ET Docket No. 93-235
RM-8094

To: The Commission

**COMMENTS
OF THE
AMERICAN PETROLEUM INSTITUTE**

THE AMERICAN PETROLEUM INSTITUTE

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SUMMARY

The American Petroleum Institute ("API") historically has supported the idea of sharing spectrum in an environment where users have similar applications and disciplines. However, API has difficulty supporting an initiative which will allow countless cordless telephones to utilize the same 48/49 MHz channels that are used for critical petroleum and natural gas pipeline and refining systems. One important reason for API's concern is that the proposed cordless telephone devices are unable to effectively monitor when a land mobile radio system is using, or wishes to use, the frequency the cordless telephone is employing. Another reason is that the proposed cordless technology does not contain sufficient safeguards to prevent the inadvertent capture of Petroleum Radio Service ("PRS") mobile relay transmitters and causing, in some cases, the wide area broadcast of cordless telephone conversations over PRS systems.

Contrary to improperly researched suppositions that the targeted 48/49 MHz channels are "lightly-used", there is much more two-way mobile radio activity on these assignments than some have assumed. Significantly, this spectrum sharing proposal reflects a lack of understanding of how

these channels are used in the petroleum and natural gas industries. Even if the assignments were lightly-used across the nation, that determination does not provide a sound basis upon which to allow inherently flawed, mass-produced cordless devices to flood the market and eventually come in contact with and disrupt the operations of vital energy industrial telecommunications systems. The existing PRS systems were not designed for casual chatting, but to enhance the safe handling of volatile fluids and gases. They perform a necessary function and serve to protect life, property and our environment. That function should not, under any circumstances, be exposed to the real interference dangers these proposed devices present.

Finally, as the recent PCS allocations have proved, cordless telephones are no longer a unique and necessary technology. A plethora of competing technologies, which do not introduce the troubling interference problems presented in this proceeding, can easily meet the public's need for cordless communications devices.

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The American Petroleum Institute ("API"), by its attorneys and pursuant to Section 1.46 of the Rules and Regulations of the Federal Communications Commission ("Commission" or "FCC"), hereby respectfully submits these Comments in response to the Notice of Proposed Rule Making ("Notice") adopted by the Commission on August 20, 1993 in the above-styled proceeding.^{1/}

^{1/} In the Matter of Amendments of Parts 15 and 90 of the Commission's Rules to Provide Additional Frequencies for Cordless Telephones, Notice of Proposed Rule Making, 58 Fed. Reg. 51299 (October 1, 1993). The date for filing Comments and Reply Comments in this proceeding was extended to December 8, 1993 and December 23, 1993, respectively. Order Extending Time for Comments and Reply Comments, 58 Fed. Reg. 59977 (November 12, 1993).

I. PRELIMINARY STATEMENT

1. API is a national trade association representing approximately 300 companies involved in all phases of the petroleum and natural gas industries, including exploration, production, refining, marketing, and transportation of petroleum, petroleum products and natural gas. Among its many activities, API acts on behalf of its members as spokesperson before federal and state regulatory agencies. The API Telecommunications Committee is one of the standing committees of the organization's Information Systems Committee. The Telecommunications Committee evaluates and develops responses to state and federal proposals affecting telecommunications facilities used in the oil and gas industries.

2. Reliable two-way land mobile radio is an essential tool in almost every phase of the oil and gas industries' operations. Communications must be maintained during exploration activities for the direction of personnel and equipment, as well as for telemetering geophysical data. Drilling operations, by their very nature, involve hazards that can be minimized with reliable two-way radio communications. After production is established, mobile radio continues to play a critical role in providing

communications for the management of production sites where careful supervision must be maintained over the operation of valves, pumps, compressors and separation equipment.

Operation of the extensive pipeline gathering systems and long-distance, crude, petroleum products and natural gas pipelines would not be possible without reliable mobile radio communications. These same types of reliable communications are absolutely necessary in petroleum refineries where the safety of personnel demands clear channels of communication. Even in the marketing and distribution of these energy sources, mobile radio continues to play an important role in the transfer of gas at city gates, and the loading and delivery by rail and tank trucks of refined petroleum products to industrial, commercial and residential customers.

3. The petroleum and natural gas industries pioneered the use of two-way mobile radio for industrial applications. In recent years, some two-way mobile radio communications have been served by other than the traditional private systems. Even though the use of private systems may be supplemented with cellular and Specialized Mobile Radio ("SMR") systems, in some circumstances and where those services are available, there remains in the energy industries a very critical requirement for privately-owned

and operated two-way mobile radio systems. These energy industries also expect to be users of new personal communication systems in areas where these services are ultimately offered. Notwithstanding the advent of these additional communication options, the oil and gas industries will continue to be very significant users of private land mobile radio systems for several reasons, the most important of which is reliability. Public switched systems frequently become incapacitated during emergency conditions because of peak subscriber demand. Private systems which operate on frequencies protected from interference and disruption are essential in these circumstances to ensure the ongoing safe execution of energy operations where hazardous conditions could develop without reliable communications.

4. The Commission has proposed in this matter to amend its rules to permit the operation of cordless telephones on fifteen (15) channels from the band 48/49 MHz that are currently dedicated for two-way mobile radio use in the Petroleum and Forest Products Radio Service. API's membership includes many licensees in the Petroleum Radio Service ("PRS") who are authorized by the Commission to employ these channels for critical two-way mobile radio communications systems. These licensees are deeply concerned with the ultimate consequences that would follow

adoption of the rule amendments proposed in this proceeding. Accordingly, API and its members evaluated the proposal and conducted a review of the utilization made of those channels targeted for cordless telephone usage. API appreciates this opportunity to provide the Commission with the following Comments.

II. COMMENTS

A. **The Proposed Automatic Channel Selection Mechanism for Cordless Phones Fails to Protect Land Mobile Operations -- as Well as Cordless Users**

5. Petroleum and natural gas users are charged with a high level of responsibility regarding the reliability of their communications systems. For example, many oil and gas mobile radio systems are indispensable components of the communications networks required by the U.S. Department of Transportation ("DOT") for companies engaged in the transportation of hazardous liquids by pipeline. DOT regulations mandate that each operator of a hazardous liquid pipeline establish communications systems designed to carry operational information and data necessary to promote safe pipeline operations. By regulation, these communications systems are required to reliably transmit monitoring data, emergency messages, voice communications between control

centers and critical points along the pipeline, and communications to and from emergency rescue personnel.^{2/} Federal government standards, therefore, impose significant communications requirements on the oil and gas industry, with the intention of ensuring the maximum degree of safety and control over oil and natural gas facilities. API is very concerned that these responsibilities cannot continue to be uniformly discharged effectively and efficiently on existing systems that employ any of the fifteen channels targeted in this proceeding for shared use by cordless telephones.

6. In an apparent effort to avoid interference to these critical PRS communications, the FCC has proposed adopting the Telecommunications Industry Association's ("TIA") suggestion that cordless telephones using one of the suggested frequency assignments "must incorporate an automatic channel selection mechanism which will prevent establishment of a link on an occupied frequency."^{3/} The

^{2/} See Part 195 of the DOT Rules and Regulations governing "Transportation of Hazardous Liquids by Pipeline, 49 C.F.R. Part 195 (1988). See also DOT Rules and Regulations governing "Liquified Natural Gas Facilities: Federal Safety Standards," 49 C.F.R. Part 193 (1988), and "Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards," 49 C.F.R. Part 192 (1988).

^{3/} Notice at ¶ 13.

cordless telephone base station would monitor the selected frequency with a "short signaling burst during call set up."^{4/} The burst lasts for less than one second.^{5/} Unfortunately, this process will not prevent interference to either the cordless facility or the land mobile system. The process proposed by the FCC is flawed because it does not account for two common and obvious factors in the operation of two-way land mobile systems -- mobility and temporary inactivity.

7. First, although the language only provides for avoiding establishment of a link on an occupied frequency, the cordless phone's monitoring system will have an extremely limited range and does not account for the mobility of PRS users. It will be unable to provide for the practical monitoring of private land mobile operations on the frequency it chooses to use. For example, if the cordless phone monitors a frequency prior to establishing a link and does not sense that the frequency is occupied, it will establish the link. This link may very well cause interference on an occupied frequency. The reason for the device's failure is that the monitoring device does not

^{4/} Id.

^{5/} Id. at ¶ 12.

account for land mobile operations being "mobile." A conversation on a private land mobile channel involving a vehicular unit will not be detected when the vehicle is out of range. Yet, when the unit moves into range of the cordless device, its higher power signal will interfere with the cordless user's conversation. If a vehicular unit operating in a PRS system moves into close proximity to a cordless user, and essential communications to and from the vehicle are thwarted due to interference, the lives and property of those in the community could be unnecessarily endangered. As a growing number of these cordless units are purchased by the consuming public, the frequency of interference cases will increase. They can be expected to generate an escalating number of complaints to the FCC from bewildered consumers and frustrated private land mobile radio licensees.

8. The proposed monitoring mechanism does not provide for the need of the primary licensee to use previously inactive channels. Therefore, if a land mobile system's transmitter is momentarily quiescent, the monitoring device will not consider the channel occupied and thus establish a link. Seconds later the attempted transmission of a critical message or an automatic alarm signal could essentially destroy the telephone conversation or the

reliability of the private land mobile transmission could be compromised.

B. The Commission Should Support Spectrum Sharing for Similar Uses and Technologies

9. API has been a consistent advocate and supporter of spectrum sharing. In particular, API supports spectrum sharing when all parties envision similar uses for that spectrum. However, when disparate uses are involved, it is extremely difficult to reconcile supporting a sharing effort. In the present situation, the FCC's tentative proposal includes sharing fifteen (15) channels operating in 48/49 MHz with Part 15 cordless telephone users.^{6/} These channels are currently dedicated for two-way mobile radio use in the Petroleum and Forest Products Radio Service. It is extremely disconcerting that the cordless uses are substantially dissimilar from those of the land mobile users. Accordingly, this raises a serious question about the feasibility of this proposal. These dissimilarities are discussed below.

10. First, PRS users constructed their private systems to insure the uninterrupted availability of reliable, clear

^{6/} Notice at ¶ 10.

communications; and, in many instances, these systems have been designed to meet the aforementioned regulations of the Department of Transportation. At the very least, these systems service essential industrial and forest safety operations and are designed so that they will not become overloaded during an emergency. For example, many petroleum production operations and pipelines have corridors adjacent to established urban residential areas. Therefore, if there is an incident involving a pipeline in a metropolitan area, the communications system for a response, repair and clean-up effort must be unhindered by the rapid increase in communications activity in that area. The response teams cannot have their mobile frequency assignments clogged by cordless phones which began operating in the area prior to their arrival at the accident scene. The reason for this is evident and extremely important.

11. Second, during emergencies, as well as regular operations, it is not desirable to have cordless phones operating on the same frequencies as land mobile operations because of the threat of audible and sub-audible tones. Should cordless telephones emit these tones on land mobile frequency assignments, they could access relatively high power (300 watts) mobile relay transmitters operated by PRS licensees using channels in this band. Such an event could

result in retransmission of a cordless conversation over a large geographic area.

12. Third, the proposal fails to properly address the question of whether the monitoring to be undertaken will be conducted at both the base set and hand set or in only one of the units. This is very important because of the extensive use of simplex channels by private land mobile users. The simplex channels are not compatible with the duplex channel plan suggested by TIA.^{7/} It is important that the Commission refrain from inadvertently placing its

^{7/} In the Matter of Amendment of the Commission's Rules to Establish New Frequencies for Cordless Telephones Near 44 and 49 MHz, Petition for Rule Making, by the Telecommunications Industry Association's Personal Communications Section, at 5 (Filed: August 20, 1992). (hereinafter "1992 TIA Petition").

See Also, Notice at Appendix.

Cordless telephones operating on channels one through fifteen must incorporate an automatic channel selection mechanism that will prevent establishment of a link on an occupied frequency. (Proposed Section 15.233(b)(2).)

This proposed rule fails to indicate whether monitoring devices must cover the four conversation points: (1) Will the handset's receiver be monitored for interference before establishing a link?; (2) Will the handset's transmitter be monitored before establishing a link?; (3) Will the base set's receiver be monitored for interference before establishing a link?; and, (4) Will the base set's transmitter be monitored before establishing a link? All of these points must be monitored before the automatic channel selection mechanism settles on a channel and establishes the link.

imprimatur on cordless telephones which do not have the proper selection of monitoring and channel selection devices in place. Improperly designed cordless telephones will significantly add to the likelihood of interference to critical Petroleum Radio Service communications.

13. For these reasons, the Commission should recognize the obvious dissimilarities and incompatibilities between cordless telephone and land mobile operations. These systems employ disparate technologies and are designed to serve vastly different users and functions. Placing them in the same spectrum would be incongruous, unworkable, and extremely dangerous.

C. The Supposition That The 48/49 MHz Band Is "Lightly-Used" Is Wholly Incorrect

14. The assertion that the 48/49 MHz PRS channels are "lightly-used" was introduced in a 1992 TIA petition.^{8/} The FCC has taken the step of preliminarily supporting the view that the requested use of the 15 duplex channels would be a

^{8/} 1992 TIA Petition at 4. "Thirty frequencies have been identified near 44 and 49 MHz (15 in each band) allocated to the PLMRS which appear lightly-used enough to reasonably consider sharing by cordless telephones on a secondary basis."

"negligible" interference risk to the private land mobile licensees.^{9/}

15. API has reviewed the authorized use of the 15 targeted channels.^{10/} Simply stated, the list of users authorized on these channels makes it abundantly clear that usage is certainly not light. This is demonstrated by examining a few of the targeted assignments.

16. For example, Exxon Communications Company operates facilities on 48.860 MHz which serve Alabama, Florida, Louisiana, Mississippi, and Texas with 1,428 mobile and 44 base stations.^{11/} Exxon is also licensed on other 48/49 MHz frequencies and operates in and around such major metropolitan areas as Dallas, Houston, San Antonio, and New Orleans. Additionally, the 48.860 MHz channel includes the operations of the Northwest Pipeline Corporation which is authorized for the operation of 750 mobile and 12 base

^{9/} Notice at ¶ 9. "It appears that the risk of interference to the PLMRS from cordless telephones would be negligible."

^{10/} A list of authorized users is appended hereto as Exhibit I. The fifteen 48/49 MHz frequencies affected are: 48.7600 MHz; 48.8400 MHz; 48.8600 MHz; 48.9200 MHz; 49.0200 MHz; 49.0800 MHz; 49.1000 MHz; 49.1600 MHz; 49.2000 MHz; 49.2400 MHz; 49.2800 MHz; 49.3600 MHz; 49.4000 MHz; 49.4600 MHz; and, 49.5000 MHz.

^{11/} Id. at 4.

stations in Colorado, New Mexico, Utah and Wyoming.^{12/} There are also 35 other licensees employing 48.860 MHz, large and small, including the Fina Oil & Chemical Company which is licensed to operate 10 mobile units in Colorado.^{13/} In total, there are 3,841 mobile transmitters authorized to operate on the frequency 48.860 MHz.^{14/} This clearly refutes the FCC's supposition that there are "less than 2000 mobiles" operating on each of the targeted 49 MHz channels.^{15/}

17. Similarly, all of the other frequency assignments also host a large variety of large and small systems. These operations cover the nation and provide critical communications for regular day-to-day operations, emergency response calls, preventive maintenance and the provision of essential services to the public. For example, consider the case of Conoco Communications, Inc. ("Conoco"), which is licensed on 4 of the targeted channels for a total of 247 two-way mobile radio systems throughout a 10-state

^{12/} Id. at 3.

^{13/} Id. at 3-4.

^{14/} Id. at 3-4.

^{15/} Notice at ¶ 9. Other frequencies exceeding 2,000 mobiles include: 49.0200 MHz, 49.100 MHz, 49.3600 MHz, 49.4000 MHz, and 49.4600 MHz.

region. Because Conoco is constantly working with volatile substances, it has found that it is vitally necessary to have quick assistance when the need arises. Since January 1, 1990, Conoco's pipeline personnel responded to over 80 emergency calls that were potential disaster situations. In each case the reliable use of two-way mobile radio systems permitted Conoco to contact, position, and utilize the personnel and equipment necessary to properly contain the situations and keep the impact on the environment to a minimum. If, during one of these potential disaster situations, a cordless telephone had: (1) been operating on a needed frequency in the vicinity which a two-way mobile radio was traveling to or through; or (2) the audible or sub-audible tones of a low-end cordless telephone activated a mobile relay transmitter, there may have been drastic ramifications to the surrounding population and environment. The safety factors surrounding Conoco's reliance on their two-way mobile radio systems are not unique among petroleum and natural gas mobile radio users.

18. A serious review of the list clearly demonstrates that the targeted frequencies are not lightly used. This fact alone impugns the rationale for favorably treating the TIA request as the chance of interference with critical emergency situation communications is beyond tolerable.

Importantly, since the channels are not lightly used, they do not meet TIA's own operating requirements and thus should be dropped from consideration for sharing with cordless telephone users.^{16/}

D. The FCC Has Created a Substantial Market for Devices That Perform the Same Function as the Proposed Cordless Telephones, Negating the Need for a Further Allocation

19. API clearly recognizes that TIA believes there is an enormous market for inexpensive cordless devices.^{17/} However, API is concerned that the most pressing reason for initiating this proceeding is no longer valid.

20. TIA's initial argument for an additional spectrum allocation relied heavily on the idea that cordless telephones are no longer a convenience device but "a device upon which so many U.S. households have come to depend."^{18/}

^{16/} "Further it is clearly important that the utilization of the frequencies by any primary users be relatively light." 1992 TIA Petition at 3.

^{17/} In the Matter of Amendment of the Commission's Rules to Allocate Additional Spectrum For Cordless Telephones On A Primary And Protected Basis, Petition for Rule Making, by the Telecommunications Industry Association's Personal Communications Section, at 7, (Filed: April 30, 1990). (hereinafter "1990 TIA Petition").

^{18/} 1990 TIA Petition at 5.

The logic being that the public interest would suffer if these attractive devices were not available for uninterfered use by the public and especially the disabled and elderly.^{19/} Importantly, the uniqueness of TIA's cordless device has eroded substantially since the 1990 TIA Petition was filed. The erosion is due to recent FCC allocations and orders that have set the stage for inundating the marketplace with wireless devices which possess the same, if not superior, benefits as the TIA proposed devices.

21. In particular, on September 23, 1993, the Commission adopted a plan for allocating 40 MHz of spectrum for unlicensed personal communications services ("PCS").^{20/} The Commission stated that this allocation meets the needs of Part 15 cordless telephone users.^{21/} Additionally,

^{19/} 1990 TIA Petition at 8.

^{20/} In the Matter of Amendment of the Commission's Rules to Establish New Personal Communications Services, Second Report and Order, GEN Docket No. 90-314, at ¶ 88 (Released: October 22, 1993). (hereinafter "Second Report & Order").

^{21/} [A] large number of Part 15 devices, like cordless telephones, garage door openers and electronic toys serve to enhance consumer convenience and recreation. We believe that a substantial allocation dedicated for unlicensed PCS will have the potential to foster development of an even greater number and range of new wireless services and devices.

(continued...)

cordless telephones are already permitted to operate in the 902-928 MHz and 2400-2483.5 MHz frequency bands.^{22/}

22. Finally, on July 23, 1993, the FCC adopted a plan for allocating 3 MHz of spectrum in the 900 MHz band for narrowband PCS: 901-902 MHz, 930-931 MHz and 940-941 MHz.^{23/} While these allocations are not specifically for cordless phone usage, they are for a wide variety of wireless communications services such as advanced voice paging, two-way acknowledgement paging, data messaging, electronic mail, and facsimile transmissions.^{24/} All of these services allow users the convenience of cordless communications. Moreover,

^{21/} (...continued)

In view of the strong demand for unlicensed PCS predicted by those developing such services, we are allocating the 1890-1930 MHz band for unlicensed PCS services. We believe this 40 MHz will provide sufficient spectrum to meet the needs of a wide range of unlicensed PCS operations, including both voice and data uses. (Emphasis supplied.)

Second Report & Order at ¶¶ 87-88.

^{22/} See 47 C.F.R. §§ 15.233, 15.247, and 15.249.

^{23/} In the Matter of Amendment of the Commission's Rules to Establish New Narrowband Personal Communications Services, First Report and Order, GEN Docket No. 90-314, ET Docket No. 92-100 (Released: July 23, 1993).

^{24/} Id. at ¶ 1. See also, FCC Amends Rules To Establish New Narrowband Personal Communications Services (GEN Docket No. 90-314, ET Docket No. 92-10), FCC News, Report No. DC-2447 at 1 (June 24, 1993).

many of these technologies, like electronic mail, have the added benefit of allowing the user to access, store, send and edit written records.

E. TIA Admits That the Requested Cordless Allocation May Need To Be Reneged

23. In 1990, TIA recognized that a variety of new cordless technologies were on the horizon and that those devices would operate in a fashion similar to that of cordless telephones.^{25/} Moreover, TIA acknowledged that as the popularity of these devices increased, they would become less expensive.^{26/}

24. Today, as 1994 approaches, it is obvious that the customer base which was drawn to the cordless devices in the late 1980s will soon have the opportunity of choosing from a veritable menagerie of cordless communications devices. Back in 1990, TIA recognized that such a time may come. Further, TIA stated that such an event would spur reductions

^{25/} 1990 TIA Petition at 17.

^{26/} Id. at 18-19.

in the amount of spectrum allocated to cordless telephones.^{27/}

III. CONCLUSION

25. TIA predicted in 1990 that other cordless devices would eventually reduce the need for spectrum requested for cordless telephones. Therefore, amid the expansive change in today's communications industry, the FCC should look upon TIA's prediction and relate it to the current situation. A variety of wireless technologies, including cordless telephones are being awarded spectrum allocations. Similar devices are cropping up in electronics stores and on drawing boards around the globe. This is obviously not a time to be awarding another spectrum allocation for an analog device like the low-end cordless telephone. This device is a serious interference risk, is unfortunately slated for shared use in a well-used frequency band whose primary licensees have critical, incompatible operating


^{27/} If in time, however, CT-2 units do become price competitive with cordless telephones, market demand for cordless telephones will decrease as users migrate to CT-2 and so will the industry's need for spectrum. At that time, if appropriate, adjustments can be made to reduce the amount of spectrum allocated to cordless telephones. (Emphasis supplied.)

requirements, and is rapidly becoming an outmoded technology. If the allocation is awarded, it may set the stage for serious disruption to essential communications, and generate a growing number of complaints from private land mobile users and members of the public who encounter interference. In the final analysis, however, with the advent of newer technologies, the need for the requested technology is simply no longer present.

WHEREFORE, THE PREMISES CONSIDERED, the American Petroleum Institute respectfully submits the foregoing Comments and urges the Federal Communications Commission to decline amending Parts 15 and 90 of its Rules and Regulations, and promptly terminate this proceeding.

Respectfully submitted

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